

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, MAY 18, 1998  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:11 p.m. Deputy Mayor Wear adjourned the meeting at 6:17 p.m. into Closed Session at 9:00 a.m. on Tuesday, May 26, 1998, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-excused by R-290161  
(Previously scheduled out-of-town  
commitments)
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-excused by R-290207  
(No reason given)
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Fishkin (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-not present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor Wayne Riggs of the  
Plymouth Congregational Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
Stevens.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding adding items and special Council Meetings to the docket, and his request to Council and the public to vote no June 2nd to all propositions on the ballot.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A038-068.)

ITEM-PC-2:

Comment by Jose Lopez, President of the Fox Canyon Neighborhood Association thanking Council Member Judy McCarty for her participation and quick response to the Association when problems arise. Mr. Lopez introduced Carol Sullinger who wished to thank Mayor Golding for sending her representative Bruce Williams to speak with the Fox Canyon Neighborhood Association.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A070-091.)

ITEM-PC-3:

Comment by Gregory Diethrich regarding the Fox Canyon Neighborhood Association and his wish to thank Mayor Golding too for sending Bruce Williams to attend their meeting, and his thanks to Judy McCarty for attending.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A091-102.)

ITEM-PC-4:

Comment by Daniel Beeman regarding not getting what he feels to be timely responses from the Mayor and Council to written documents he submits.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A102-118.)

ITEM-PC-5:

Comment by Shelley Shelley regarding "abuse of authority" and her feeling she was falsely accused.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A119-140.)

ITEM-PC-6:

Comment by Kathy Dicharry regarding her friend Shelley Shelley being innocent, and her feeling that the Public Defenders Office should be reevaluated.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A143-166.)

ITEM-PC-7:

Comment by Christopher Winkler referencing his feeling that the City Council focuses on corporate welfare, and

comments he heard on CPBS radio regarding the Council wishing they had focused more on infrastructure improvements.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A167-179.)

ITEM-PC-8:

Comment by Bruce Henderson regarding the Padres having over 53 thousand in attendance over the weekend, and that should there be a new ballpark built, it would not be equipped to hold that many fans. Mr. Henderson also referenced an article in the Tribune regarding the impact a new ballpark would have on ticket prices.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A182-198.)

ITEM-PC-9:

Comment by Forest Curo regarding his feeling that there is a need to use NTC for emergencies for the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A202-215.)

ITEM-PC-10:

Comment by Gary Dodds regarding his opinion that it is time that San Diego and America stand up and take care of the homeless situation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A215-225.)

ITEM-PC-11:

Comment by Nathaniel Ferguson regarding the homeless and their suffering, and his proposal of a "Homeless Land" such as the Wild Animal Park, the Zoo, or Sea World so that the homeless could be on display too.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A226-236.)

ITEM-PC-12:

Comment by Mischa Perrin regarding the homeless, the cold, and the sunburns from living on the streets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A236-249.)

ITEM-PC-13:

Comment by Shawnie Nimitz regarding newspaper articles on the homeless, and suggesting that the Council ask for money from Congressman Bob Filner to alleviate the homeless situation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A250-263.)

COUNCIL COMMENT:

NONE.

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

4/27/98 Adjourned

4/28/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B523-524.)

MOTION BY STALLINGS TO APPROVE THE MINUTES. Second by Stevens. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Beach Safety Week.

DEPUTY MAYOR WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1220) ADOPTED AS RESOLUTION R-290108

Proclaiming the week of May 17 through 23, 1998 to be "Beach Safety Week" in San Diego and urging all residents and visitors to use and enjoy the beaches safely.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A515-588.)

MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Elder Abuse Awareness Month.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1148) ADOPTED AS RESOLUTION R-290107

Congratulating the efforts of the public and private sector participants who are committed to supporting elder abuse prevention and increasing awareness that elder abuse is a crime;

Proclaiming the month of May 1998 to be "Elder Abuse Awareness Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B590-642.)

MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.



ITEM-33: (Tb

SUBJECT: Proclaiming May 1998 to be "San Diego Gulls Month" in  
San Diego.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1276) ADOPTED AS RESOLUTION R-290109

Recognizing the remarkable deeds and accomplishments of  
the players and coach of the San Diego Gulls hockey  
team in becoming three-time Taylor Cup Champions;

Proclaiming the entire month of May 1998 to be "San  
Diego Gus Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-072.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the  
following vote: Mathis-not present, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-34:

SUBJECT: San Diego Do Something Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1302) ADOPTED AS RESOLUTION R-290110

Commending San Diego Do Something for motivating and  
training young leaders in the San Diego community;

Proclaiming May 18, 1998 as "San Diego Do Something  
Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B081-135.)

MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by  
the following vote: Mathis-not present, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-35: RECOGNIZED

Recognizing the outstanding contributions provided by  
volunteers to the Library Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B143-290.)

MOTION BY WEAR TO RECOGNIZE THE CONTRIBUTIONS OF VOLUNTEERS  
TO THE LIBRARY DEPARTMENT. Second by Stallings. Passed by  
the following vote: Mathis-not present, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-36: TRAILED TO TUESDAY, MAY 26, 1998

SUBJECT: A Presentation by the City Manager of the Proposed  
Fiscal Year 1999 Budget.

(This is an information item only.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO TRAIL THIS ITEM TO TUESDAY,  
MAY 26, 1998 AT THE CITY MANAGER'S REQUEST DUE TO THE LACK  
OF TIME. Second by Wear. Passed by the following vote:  
Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea,  
Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea,  
Mayor Golding-yea.

ITEM-37:

SUBJECT: Older Americans Month.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1313) ADOPTED AS RESOLUTION R-290111

Proclaiming May, 1998 to be "Older Americans Month" in  
San Diego in recognition of their many outstanding  
contributions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A416-506.)

MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-50:

SUBJECT: Proposed Amendments to the Municipal Advocates  
(Municipal Lobbying) Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
5/4/98. (Council voted 9-0):

(O-98-107 Rev.1) ADOPTED AS ORDINANCE O-18511 (New  
Series)

Amending the San Diego Municipal Code by repealing Chapter II, Article 9, Division 1, Sections 29.0101, 29.0102, 29.0103, 29.0104, 29.0105, 29.0106, 29.0107, 29.0108, 29.0109, 29.0110, 29.0111, 29.0112, 29.0113, 29.0114, 29.0115, 29.0116; by amending the Title of Chapter II, Article 7; and by adding New Chapter II, Article 7, Division 40, Sections 27.4001, 27.4002, 27.4003, 27.4004, 27.4005, 27.4006, 27.4007, 27.4008, 27.4009, 27.4010, 27.4011, 27.4012, 27.4013, 27.4014, 27.4015, 27.4016, 27.4017, 27.4018, 27.4019, 27.4020, 27.4021, 27.4022, 27.4023, 27.4024, 27.4025, 27.4026, 27.4027, 27.4028, all relating to the Municipal Lobbying Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-51:

SUBJECT: Three actions related to Regulatory Relief.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 5/4/98. (Council voted 9-0):

Subitem-A: (O-98-90) ADOPTED AS ORDINANCE O-18512 (New Series)

Amending Chapter VI, Article 2, Division 1, of the San Diego Municipal Code by amending Section 62.0106, relating to Grading Review Permits.

Subitem-B: (O-98-91) ADOPTED AS ORDINANCE O-18513 (New Series)

Amending Chapter XI, Article 1, Division 2, of the San Diego Municipal Code by amending Section 111.0203, relating to Consolidation of Processing.

Subitem-C: (O-98-92) NOTED AND FILED

Amending Chapter VI, Article 9, Division 2, of the San Diego Municipal Code by amending Section 69.0212, relating to Final Report Distribution and Review.

FILE LOCATION: SUBITEM A-C: MEET

COUNCIL ACTION: (Tape location: E193-423.)

MOTION BY VARGAS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES IN SUBITEMS A AND B, AND TO NOTE AND FILE THE ORDINANCE IN SUBITEM C. TO PREVENT DETRIMENT TO COMMUNITY REVIEW, DIRECT STAFF TO WORK WITH COMMUNITY GROUPS TO ASCERTAIN A WAY TO KEEP THE COMMUNITY INFORMED IN A CLEAR MANNER WHEN THERE ARE CHANGES BEING MADE TO THE PROCESS IN ORDER TO STREAMLINE AND CONSOLIDATE THE CITY'S LAND USE REGULATORY AND ENVIRONMENTAL PROCEDURES AS REQUESTED BY MAYOR GOLDING. Second by Stallings. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-52:

SUBJECT: Two actions related to the North Bay Revitalization Program.

(Midway/Pacific Highway Corridor, Old Town, Uptown, Mission Valley, Clairemont Mesa and Linda Vista Community Areas. Districts-2 & 6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 5/4/98. (Council voted 9-0):

Subitem-A: (O-98-99 Cor.Copy) ADOPTED AS ORDINANCE O-18514  
(New Series)

Rezoning various properties in the Linda Vista, Clairemont Mesa, Old Town San Diego, Peninsula, and Midway/Pacific Highway Corridor Community Planning

Areas, into the CC-1-1, CC-3-4, CC-5-1, RM-3-7, RM-2-5, CV-1-2, CC-5-4, CO-1-2, IS-1-1, and R (Rosecrans) Zones;

Applying the Community Plan Implementation Overlay Zone (CPIOZ-B) to various properties in the Clairemont Mesa and Midway/Pacific Highway Corridor Community;

Removing the Community Plan Implementation Overlay Zone (CPIOZ-B) from various properties in the Linda Vista and Midway/Pacific Highway Corridor Communities.

Subitem-B: (O-98-103) ADOPTED AS ORDINANCE O-18515 (New Series)

Amending Chapter X, Article 3, Division 2, of the San Diego Municipal Code by amending Sections 103.0204 and 103.0205 relating to the Old Town San Diego Planned District Ordinance.

NOTE: See Item 53 on today's docket for a companion item.

FILE LOCATION: SUBITEM A & B: MEET (North Bay #66)

COUNCIL ACTION: (Tape location: D514-E008.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Kehoe. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-53:

SUBJECT: Redevelopment Plan for the North Bay Redevelopment Project.  
(Districts-2 and 6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
5/4/98. (Council voted 9-0):

(O-98-104)            ADOPTED AS ORDINANCE O-18516 (New  
Series)

Approving and adopting the Redevelopment Plan for the  
North Bay Redevelopment Project.

FILE LOCATION:            MEET (North Bay #66)

COUNCIL ACTION:            (Tape location: D514-E008.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE  
ORDINANCE. Second by Kehoe. Passed by the following vote:  
Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea,  
Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea,  
Mayor Golding-yea.

ITEM-54:

SUBJECT: Fifth Amendment to the Agreement with MTDB for Taxicabs  
and Other Private For-Hire Vehicles.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-111)            INTRODUCED, TO BE ADOPTED JUNE 8, 1998

Introduction of an Ordinance authorizing a fifth  
amendment to the agreement with Metropolitan Transit  
Development Board (MTDB) to continue the administration



of taxicabs and other private for-hire vehicles regulations, for a five year period;

Authorizing MTDB to continue to provide for the regulation of taxicabs and other private for-hire vehicles for services rendered wholly within the City's corporate limits.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

In 1989, at the City's request, MTDB agreed to license and regulate taxicab and other paratransit vehicles, now referred to as private for-hire vehicles, for the City of San Diego. The term of this agreement has been extended by amendments through June 30, 1998. At its meeting on November 12, 1997, the Taxicab Committee, an advisory committee to the MTD Board, recommend that the City's agreement with MTDB for regulation of taxicabs and other private for-hire vehicles be extended for a term of five years, from July 1, 1998 through June 30, 2003. The Taxicab Committee is now in its fourth year of operation and continues to provide a forum for communication among taxi owners, staff, the MTD Board and the City. On December 11, 1997, the MTD Board approved and authorized entering into an agreement with the City for the regulation of taxicabs and other private for-hire vehicles for a five year period.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: E015-165.)

MOTION BY VARGAS TO INTRODUCE THE ORDINANCE AND TO ACCEPT THE REQUEST OF MAYOR GOLDING TO DIRECT STAFF TO REVIEW THE CONTRACT WITH METROPOLITAN TRANSIT DEVELOPMENT BOARD YEARLY

FOR POTENTIAL PROBLEMS, AND TO PROVIDE A REPORT BASED ON THE REVIEW TO COUNCIL. Second by McCarty. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-100:

SUBJECT: CCDC Area 1 - Phase 1, Market Street to "K" Street (6th Avenue to 12th Avenue) Underground Utility District.

(Centre City Community Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1265) ADOPTED AS RESOLUTION R-290112

Calling a public hearing to determine whether the public health, safety, or general welfare requires the formation of the CCDC Area 1 - Phase 1, Market Street to "K" Street (6th Avenue to 12th Avenue) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on CCDC Area 1 - Phase 1, Market Street to "K" Street (6th Avenue to 12th Avenue) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric

Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding.

Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT-K-246

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

SUBJECT: Barrio Logan Redevelopment Project Annual Report.

(Barrio Logan/Harbor 101 Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1235) ADOPTED AS RESOLUTION R-290113

Ratifying the election results of March 18, 1998, for the Barrio Logan Redevelopment Project Area Committee.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the PAC Bylaws, the PAC annual election was held on March 18, 1998, to fill seats whose terms have expired. As a result of the election, seven members were elected. The names and categories represented by the seven members nominated for ratification by the City Council are as follows:

Community Organization: Marta Flores  
Owner/Occupant: Armando Lozano  
Business Owner: Raul Jaquez  
Residential Tenant: Sonia Rodriguez

The following members were re-elected:

Community Organization: Carlos Quintana  
Owner/Occupant: Armida Sainz-Ramirez  
Business Owner: Reina Uribe

Following the Council's ratification of the election of the results of March 18, 1998, one vacancy will remain on the PAC. The Redevelopment Agency staff and the PAC membership will undertake continuing efforts to maintain the high level of interest in the PAC.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-not present, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102:

SUBJECT: Easement Abandonments - 3 Easements in Parcel 2 of  
Parcel Map PM-17712.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1181) ADOPTED AS RESOLUTION R-290114

Vacating the sewer, water, drain and public utilities  
easement, the water easement, and the water and  
railroad easement located within Parcel 2 of Parcel Map  
PM-17712.

CITY MANAGER SUPPORTING INFORMATION:

Teledyne Industries, Inc. has requested the abandonment of 3  
easements - a sewer, water, drain and public utilities easement,  
a water easement, and a water and railroad easement in order to  
facilitate development of the currently vacant property. The  
sewer, water, drain and public utilities easement was granted to  
the City on Map-3978, filed October 1, 1958, at no cost to the  
City. The water easement was granted to the City by a deed  
recorded December 4, 1958, also at no cost to the City. The  
water and railroad easement was granted to the City by a deed  
recorded September 8, 1958, also at no cost to the City. Each of  
the three easements is no longer needed. Staff review of the  
proposed abandonments indicates that the required four findings  
of abandonment can be made and recommends that these easements be  
summarily abandoned.

FINDINGS:

1. There is no present or prospective use for the easements, either for the public easement system or for any other public use of like nature.
2. The public will benefit from the vacation of these easements through improved utilization of the land.
3. The vacation of these easements is consistent with the approved Community Plan.
4. The public easement system for which the easements were originally acquired will not be detrimentally affected by the vacation of these easements.

FILE LOCATION: DEED F-7237

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103: CONTINUED TO MONDAY, JUNE 8, 1998

SUBJECT: Time Limit Parking on La Jolla Boulevard and Bird Rock Avenue.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Do not adopt the following resolution:  
(R-98-1213)

Establishing an unmetered two-hour time limit parking zone on both sides of La Jolla Boulevard between Forward Street and Bird Rock Avenue, and on the south

side of Bird Rock Avenue between La Jolla Boulevard and the alley to the west, effective between the hours of 10:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted;

Authorizing the installation of the necessary signs and markings; declaring that the regulations shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This item is regarding a proposal to establish a two-hour time limit parking zone on both sides of the 5600 block of La Jolla Boulevard between Forward Street and Bird Rock Avenue, and on the south side of Bird Rock Avenue from La Jolla Boulevard to the alley to the west. The proposal was submitted by a petition of property owners and businesses representing 73 percent of the affected frontage. The proposal is supported by the Bird Rock Community Council, the La Jolla Traffic and Transportation Board, Promote La Jolla, the La Jolla Town Council, and the La Jolla Community Planning Association.

Recent parking studies on a typical weekday during regular business hours, between 10:00 a.m. and 6:00 p.m., revealed an average parking space occupancy of 58 percent on the east side and 45 percent on the west side, and an average parking duration of 2.92 hours and 1.77 hours, respectively, on the subject block of La Jolla Boulevard. Typically, a two-hour time limit is appropriate where parking space occupancy is 75 percent or higher, and average parking duration is three hours or higher. Therefore these data indicate adequate parking availability under the current, unrestricted condition. Additionally, time limit parking in this area may have an adverse impact on the surrounding neighborhoods by diverting commuter parking to nearby residential streets. Therefore, this action is not recommended. When time limit parking was proposed at this location in 1996, several residents of nearby streets contacted the City in opposition.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO CONTINUE THIS ITEM TO MONDAY, JUNE 8, 1998 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104:

SUBJECT: Signature Authorization for Federal/State Disaster Claims Processing.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1054) ADOPTED AS RESOLUTION R-290115

Authorizing Michael Uberuaga, City Manager, D.P. Lee, Deputy Fire Chief, and Chris Bach, Coordinator, to execute applications and documents and to file them in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, or state financial assistance under the Natural Disaster Assistance Act;

Rescinding Resolution R-287174, adopted April 15, 1996.



CITY MANAGER SUPPORTING INFORMATION:

Following the appointment of Michael Uberuaga to the City Manager, and Deputy Chief D.P. Lee to Emergency Program Manager, the state has requested that the City Disaster Preparedness Office update its authorized emergency signatures. These signatures are required for the completion of applications, documents and claims related to disaster assistance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-105:

SUBJECT: \$100,000 National Endowment for the Arts Local Program Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1215) ADOPTED AS RESOLUTION R-290116

Authorizing the City Manager to accept the two-year National Endowment for the Arts (NEA) grant in the amount of \$100,000 for the purpose of supporting the expansion and enhancement of a Neighborhood Arts Program (NAP), acceptance to be conditioned upon the City's ability to meet the NEA's requirements;

Directing the City Manager to set aside \$300,000 in Transient Occupancy Tax arts funding (Fund No. 10220), in the FY 1998, 1999, and 2000 budgets for purposes of meeting the NEA's matching fund requirement;

Authorizing the Auditor and Comptroller to spend the \$300,000, if appropriated in the FY 1998, 1999, and 2000 budgets;

Authorizing the Auditor and Comptroller to spend the \$100,000 in NEA grant money, if the City's matching fund requirements are met.

CITY MANAGER SUPPORTING INFORMATION:

The short time frame between the availability of guidelines from the National Endowment for the Arts (NEA) and the application deadline resulted in an inability to present the grant proposal to the City Council in advance of its submission to the NEA.

The proposal was approved and awarded \$100,000.

The two-year grant is to support the expansion and enhancement of the Neighborhood Arts Program (NAP) which directly funds arts and cultural programs and services in targeted San Diego neighborhoods through collaborations with individual artists, nonprofit arts and cultural organizations and other community-based organizations. NEA funding will enable the Commission to:

1) increase direct NAP funding to communities; 2) increase technical assistance and training to individual artists and arts and community-based organizations; and 3) implement an effective documentation, evaluation and community outreach process.

Aud. Cert. 9801213.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E516-592.)

MOTION BY KEHOE TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-not present.

ITEM-106:

SUBJECT: Accepting a \$150,000 National Endowment for the Arts  
Local Program Grant.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1254) ADOPTED AS RESOLUTION R-290117

Authorizing the City Manager to accept a \$150,000 grant fund from the National Endowment for the Arts (NEA) to support the implementation of site-specific artworks for the Point Loma Wastewater Treatment Plant over a two-year period;

Authorizing the City Manager to provide the required \$350,000 funding match through: 1) existing project management staff salaries and wages; and 2) existing capital improvement program funds (Fund No. 41508) already designated for fabrication and installation of the site-specific artworks at the Point Loma Wastewater Treatment Plant;

Authorizing the City Auditor and Comptroller to spend the \$150,000 in NEA grant money.

CITY MANAGER SUPPORTING INFORMATION:

The short time frame between the availability of guidelines from the National Endowment for the Arts (NEA) and the application deadline resulted in an inability to present the grant proposal to the City Council in advance of its submission to the NEA.

The proposal was approved and awarded \$150,000. The two-year grant is in partnership with Metropolitan Wastewater. It is to support the implementation of site-specific artworks for the Point Loma Wastewater Treatment Plant, as described in the "Report on Landscape, Architectural and Aesthetic Improvements to the Point Loma Wastewater Treatment Plant" adopted by the City Council on June 3, 1996.

Aud. Cert. 9801175.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F001-192.)

MOTION BY KEHOE TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-nay, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-107:

SUBJECT: Solid Waste Local Enforcement Agency (LEA) Application  
for the Enforcement Assistance Grant Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1255) ADOPTED AS RESOLUTION R-290118

Authorizing the submittal of applications to the California Integrated Waste Management Board for Enforcement Assistance Grants, and the acceptance and execution of grant monies for as long as the City of San Diego maintains a designated and certified Local Enforcement Agency;

Authorizing the City Manager, or his designee, to execute all necessary applications, contracts, agreements and amendments for the purpose of securing, accepting and executing grant funds.

CITY MANAGER SUPPORTING INFORMATION:

Funds totaling \$1.5 million dollars have been established pursuant to Public Resources Code Section 43230 and are available from the Integrated Waste Management accounts for grants to the LEA. CIWMB is currently accepting applications for the Enforcement Assistance Grant (EAG) Program.

These funds are available to Local Enforcement Agency (LEA) programs and are to be used solely for support of the solid waste facilities permit and inspection programs. The City of San Diego LEA was authorized in November 1997, by the CIWMB, to carry out the duties and responsibilities of solid waste inspection, permitting and enforcement. The LEA proposes to request grant funds to purchase start-up equipment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-108:

SUBJECT: Bi-National Border Planning Effort.

(Otay Mesa, San Ysidro, Tijuana River Valley Community  
Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1214) ADOPTED AS RESOLUTION R-290119

Directing staff to seek funding from State and Federal sources as appropriate, for the purpose of preparing a comprehensive development plan for the San Diego/Tijuana international boundary area, that includes, but is not limited to a transborder travel forecast, and environmental constraints assessment, binational economic development study, impact and mitigation analysis of major transportation proposals and other projects on both sides of the border, and urban design guidelines and renderings;

Directing staff to work closely with the Intergovernmental Relations Department and other appropriate agencies to prepare grant applications for funding in a timely manner.

CITY MANAGER SUPPORTING INFORMATION:

Both Tijuana and San Diego recognize the need to prepare a joint and comprehensive development plan that reflects regional consensus on actions affecting the common border. Efforts in this direction are being undertaken through the Binational Planning and Coordination Committee that was established by the Mayors of both cities in 1993. Lead responsibility for carrying

out this task lies with the Land Use and Planning Working Subcommittee that reports to the Mayor's Committee. The preparation of a binational plan must also be coordinated with the work of the private sector and other agencies and organizations from both countries, and must involve the participation of citizens from both sides of the border. The planning area would generally extend from the Pacific Ocean to the Otay Mountains. The scope of work would include a transborder travel forecast, environmental constraints assessment, economic development study and preparation of urban design guidelines and renderings. The Plan would also include an impact and mitigation analysis of major transportation and other projects proposed in the area. The work program requires that limited local resources be supplemented by other sources of funding. In mid-1997, the Rules, Finance and Intergovernmental Relations Committee, the Land Use and Housing Committee, and the Bi-State Transportation Technical Advisory Committee expressed support for the binational planning effort and directed staff to seek funding assistance from CalTrans, the State's Petroleum Violation Escrow Account and other sources to be identified by the City's State and Federal lobbyists. Staff is preparing to apply for such funding, and it has been suggested that an official resolution from the San Diego City Council would enhance the City's position in the highly competitive grant awarding process. It is requested that the City Council adopt the resolution.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E432-507.)

MOTION BY VARGAS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-109:

SUBJECT: Point Loma Water Line Retrofit Project.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1084) ADOPTED AS RESOLUTION R-290120

Authorizing the expenditure of an amount not to exceed \$536,218 from Fund No. 41508, CIP-46-176.0, Point Loma - Water Tank and Pipeline, to provide for project related costs in connection with the Water Line Retrofit Project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The Point Loma Water Line Retrofit Project (CIP-46-176.0) when complete will upgrade the potable water service within the Point Loma Wastewater Treatment Plant. These water line improvements are required throughout the plant to provide a reliable safe drinking water supply for treatment plant staff. This request is for project related costs in the amount of \$536,218 of which \$400,000 will fund Job Order Contract 97-0003 for the retrofit of water lines at Point Loma and \$136,218 will fund administration and owner controlled insurance for this project.

Aud. Cert. 9801236.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F197-232.)



MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

\* ITEM-110:

SUBJECT: North City Cogeneration Facility Reallocation of Costs.  
(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1273) ADOPTED AS RESOLUTION R-290121

Authorizing the transfer and reallocation of previously appropriated funds to the North City Cogeneration Facility in the amount of \$789,726, as follows: \$148,679 from Fund No. 41509, CIP-42-910.1, North City Water Reclamation Plant; and \$641,047 from Fund No. 41509, CIP-42-911.3, North City Raw Sludge & Water Pipelines; both to Fund 41509, CIP-46-504.0, North City Cogeneration Facility;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves, upon advice from the administering department.

CITY MANAGER SUPPORTING INFORMATION:

On February 25, 1997, under Document No. 00-18384, the City Council authorized Amendment No. 1 to the Privatized Cogeneration Facility and Energy Sales Agreement with Minnesota Methane, LLC and NEO Corporation. This amendment added the North City

Cogeneration Facility (NCCF), a privately financed, designed, constructed, operated and maintained cogeneration facility at the North City Water Reclamation Plant (NCWRP). The NCCF will use landfill gas from the Miramar Landfill to generate electricity, and possibly thermal energy, at reduced rates for use at the NCWRP. Construction of the NCCF will begin after the NCWRP is operational. To coordinate NCCF construction with NCWRP construction and to minimize disruptions to NCWRP operations, some work associated with the NCCF was completed during the NCWRP construction, using on-site construction contractors. The landfill gas pipe on the NCWRP site was purchased and installed under C.E. Wylie's Yard Piping and electrical Distribution Systems Contract. NCCF site grading and drainage head wall design and construction were completed under C.E. Wylie's Flow Equalization Basins Contract. NCCF soil analysis was completed under C.E. Wylie's Yard Piping and Power Distribution Contract. All these activities were originally charged to the NCWRP budget. To coordinate installation of the NCCF landfill gas pipeline on Miramar Road and the Miramar Landfill with the installation of the North City raw sludge and reclaimed water pipelines, and to minimize disruption and impacts to traffic on Miramar Road, the NCCF landfill gas pipeline was designed under the North City Raw Sludge & Water Pipelines' Lee and Ro Contract and installed under the North City Raw Sludge & Water Pipelines' Cass Construction Contract. These activities were originally charged to the North City Raw Sludge & Water Pipelines budget. This action will move the costs for the work stated above from the NCWRP and North City Raw Sludge & Water Pipelines Projects to the NCCF project.

Aud. Cert. 9801212.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-not present, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-111:

SUBJECT: Agreement with Alpha of San Diego, Inc. for operation  
of the Alpha Student Vision Advocacy Program.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1249) ADOPTED AS RESOLUTION R-290122

Authorizing an agreement with Alpha of San Diego, Inc.  
for operation of the Alpha Student Vision Advocacy  
Program;

Authorizing the City Auditor and Comptroller to  
reprogram \$25,000 from prior year District Three CDBG  
Funds, Dept. 5893, Org. 9303 to Dept. 4141, Org. 4122;

Authorizing the expenditure of \$25,000 solely for the  
purpose of the Alpha Project Agreement.

CITY MANAGER SUPPORTING INFORMATION:

Council District Three wishes to reprogram prior year CDBG funds  
for the purpose of funding the Alpha of San Diego's Student  
Vision Advocacy Program. The goal of this program is to assist  
low income families in obtaining needed vision diagnostic  
services for elementary school aged children.

Aud. Cert. 9801177.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-not present, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-112:

SUBJECT: Reimbursement Agreement with Equitable Life Assurance  
Society of the United States for Reclaimed Water  
Retrofitting.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1244) ADOPTED AS RESOLUTION R-290123

Authorizing a reimbursement agreement with Equitable  
Life Assurance Society of the United States for  
reclaimed water retrofitting;

Authorizing the expenditure of not to exceed \$158,000  
from Water Revenue Fund 41500, CIP-70-941.0, Annual  
Allocation for Reclaimed Water Retrofit Systems, of  
which \$138,000 is to fund the Reimbursement Agreement  
and \$20,000 is to fund required work by City Forces.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is to reimburse the customer, identified as The Equitable Life Assurance Society of the U.S. c/o COMPASS Management Leasing, 11011 North Torrey Pines Road, Suite 140, La Jolla, CA 92037, for design and construction costs required to retrofit the existing onsite potable water distribution system to accept reclaimed water for the purpose of irrigation for property, which is located at 11011, 11025, 11077, and 11085 North Torrey Pines Road, San Diego, CA. This agreement is prepared in accordance with Council Resolution Number R-287560. Upon execution of this agreement, the customer shall within 6 months complete the retrofit requirements as stated in paragraph 1 of the Reclaimed Water Retrofit Agreement Recitals.

Aud. Cert. 9801188.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-not present, Wear-yea,  
Kehoe-yea, Stevens-nay, Warden-not present, Stallings-yea,  
McCarty-nay, Vargas-yea, Mayor Golding-yea.

\* ITEM-113:

SUBJECT: Reclaimed Water Retrofit Participation Agreement with  
Pacific Retail Trust.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1243) ADOPTED AS RESOLUTION R-290124

Authorizing a Reimbursement Agreement between the City of San Diego and Pacific Retail Trust, for reclaimed water retrofitting;

Authorizing the City Auditor to expend an amount not to exceed \$124,480 from Water Revenue Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems, of which \$99,480 is to fund the Reimbursement Agreement and \$25,000 is to fund required work by City Forces.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is to reimburse the customer, identified as Pacific Retail Trust, 8650 Genesee Avenue, Suite 108, San Diego, CA 92122, for design and construction costs required to retrofit the existing on site potable water distribution system to accept reclaimed water for the purpose of irrigation for property, which is located at 8650 Genesee Avenue, San Diego, CA. This agreement is prepared in accordance with Council Resolution R-287560. Upon execution of this agreement, the customer shall within six months complete the retrofit requirements as stated in paragraph 1 of the Reclaimed Retrofit Water Agreement Recitals.

Aud. Cert. 9801185.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-nay, Warden-not present, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

\* ITEM-114:

SUBJECT: Reimbursement Agreement with University Towne Square  
Homeowners Association for Reclaimed Water  
Retrofitting.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1245) ADOPTED AS RESOLUTION R-290125

Authorizing a Reimbursement Agreement with University  
Towne Square Homeowners Association for reclaimed water  
retrofitting;

Authorizing the expenditure of not to exceed \$142,460  
from Water Revenue Fund 41500, CIP-70-941.0, Annual  
Allocation for Reclaimed Water Retrofit Systems, of  
which \$122,460 is to fund the Reimbursement Agreement  
and \$20,000 is to fund required work by City Forces.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is to reimburse the customer, identified as  
University Towne Square Homeowners Association, c/o Association  
Management Group, 2131 La Palmas Drive, Suite A, Carlsbad, CA  
92009, for design and construction costs required to retrofit the  
existing onsite potable water distribution system to accept  
reclaimed water for the purpose of irrigation for property, which  
is located at 4335-4445 Nobel Drive, San Diego, CA. This  
agreement is prepared in accordance with Council Resolution  
Number R-287560. Upon execution of this agreement, the customer

shall within 6 months complete the retrofit requirements as stated in paragraph 1 of the Reclaimed Water Retrofit Agreement Recitals.

Aud. Cert. 9801190.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.  
Passed by the following vote: Mathis-not present, Wear-yea,  
Kehoe-yea, Stevens-nay, Warden-not present, Stallings-yea,  
McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-115:

SUBJECT: Support of Proposition A, Expansion of the Convention  
Center, on the June 2, 1998 Ballot.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1305) ADOPTED AS RESOLUTION R-290126

Supporting Proposition A on the June 2, 1998 ballot in  
the City of San Diego, and urging all residents  
throughout the region to lend their support to this  
important project.

FILE LOCATION: MEET (62)

COUNCIL ACTION: (Tape location: D181-499.)



MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Adoption of an Ordinance Approving the Regional Wastewater Disposal Agreement with Participating Agencies.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/4/98. (Council voted 9-0):

(O-98-122) ADOPTED AS ORDINANCE O-18517 (New Series)

Authorizing the City Manager to execute a Regional Wastewater Disposal Agreement to supersede the Regional Wastewater Disposal Agreement of 1963, with the following entities: City of Chula Vista; City of Coronado; City of Del Mar; City of El Cajon; City of Imperial Beach; City of La Mesa; Lakeside/Alpine Sanitation Districts; Lemon Grove Sanitation District; City of National City; Otay Water District; Padre Dam Municipal Water District; City of Poway; Spring Valley Sanitation District; and Winter Gardens Sewer Maintenance District.

NOTE: 6 votes required. Pursuant to Section 99 of the City Charter, a notice of public hearing was published in the Daily Transcript on 5/8/98.

CITY MANAGER SUPPORTING INFORMATION:

Since 1963, the City of San Diego has treated the sewage of fourteen participating agencies under sewage disposal agreements that contemplated the operation of only one treatment facility at Point Loma and provided for a forty-year term with one ten-year extension. Unless extended, these agreements will expire in 2003. When disputes arose over the responsibility to pay for water reclamation required by the Ocean Pollution Reduction Act (OPRA), the Council authorized initiation of litigation, City of San Diego v. City of Coronado, et al, to assure full payment of all proportional charges disputed by the Participating Agencies. Seeking a negotiated settlement of the disputes over the agreements and the benefits of an extended agreement, the Mayor and City Council took the following actions: 1) August 6, 1996: set objectives for the City Manager and City Attorney in pursuing extended agreements; 2) November 12, 1996: approved thirteen Principles of Understanding; 3) February 18, 1997: reviewed fiscal impacts of the Principles of Understanding and directed further negotiations; and 4) August 12, 1997: approved an outline (Deal Points) of the revised agreements that preserved City ownership of the system, provided for proportionate payment of all facilities required by law, and extended the agreement through the year 2050. Working continuously since August, 1996, the City has reached a draft agreement with the Participating Agencies that is consistent with the Deal Points authorized by Council's August 12, 1997 action. On February 24, 1998, the Mayor and Council conceptually approved the draft agreement and directed City staff to return to the Mayor and Council in approximately 30 days to report on the approval of the agreement by the Participating Agencies. As of April 8, 1998, eight of the Participating Agencies had approved the agreement. The remaining seven agencies docketed the agreement for consideration by April 21, 1998. The City Manager recommends that the Mayor and Council approve the new Disposal Agreement, authorize City staff to bill on a cash basis those agencies that do not execute the new agreement, and to pursue payment, through arbitration or other appropriate means, from any agency that does not pay its bills as received.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A293-459.)

Hearing began at 2:36 p.m. and halted at 2:46 p.m.

MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Matter of proposed amendments to the Centre City Planned District Ordinance, Sections 103.1915.K and 103.1925.H of the San Diego Municipal Code, the Centre City Community Plan, and the Local Coastal Program to allow the development of structured and surface parking by Conditional Use Permit throughout the Centre City Planned District Area.

(Centre City Redevelopment Project. Districts-2,3 and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions in Subitems A and C and introduce the ordinance in Subitem B:

Subitem-A: (R-98-1269) ADOPTED AS RESOLUTION R-290127

Adoption of a Resolution certifying that the information contained in the MEIR and Negative Declaration/Secondary Study of environmental impacts

have been prepared and completed in compliance with the California Environmental Quality Act of 1970 and State and local regulations and guidelines, and that said report and declaration have been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-98-128) INTRODUCED, TO BE ADOPTED JUNE 8, 1998

Introduction of an Ordinance to amend the Centre City Planned District.

Subitem-C: (R-98-1268) ADOPTED AS RESOLUTION R-290128

Adoption of a Resolution to adopt the amendments to the Centre City Community Plan, The City of San Diego Local Coastal Program Land Use Plan, and the Progress Guide and General Plan.

OTHER RECOMMENDATIONS:

Planning Commission is scheduled to consider this project on May 7, 1998.

On March 4, the Project Area Committee considered and approved this item by a vote of 16-1.

On March 13, 1998, the CCDC Board of Directors unanimously approved this item.

SUPPORTING INFORMATION:

On December 2, 1997, the City Council unanimously approved the Comprehensive Downtown Parking Plan. With this action CCDC was authorized to initiate revisions to Centre City Development policies and regulations to allow the development of parking facilities.

1. eliminate "Supplemental Parking Area";
2. allow the development of parking garages and surface lots throughout the CCPDO area by a Conditional Use Permit.

FILE LOCATION: SUBITEM A & C: LAND-Centre City  
Community Plan; SUBITEM B: NONE

MOTION BY WEAR TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND C  
AND TO INTRODUCE THE ORDINANCE IN SUBITEM B WITH THE AMENDED  
LANGUAGE READ INTO THE RECORD BY DEPUTY CITY ATTORNEY  
ALLISYN THOMAS AS FOLLOWS:

ADD THE FOLLOWING SENTENCE THAT WAS INADVERTENTLY LEFT OUT TO SECTION 103.1925 SUB H-3 OF THE ORDINANCE REGARDING PROJECT PARKING: FREE STANDING PARKING STRUCTURES THAT ARE ASSOCIATED WITH A SPECIFIC PROJECT AND THAT ARE CONSTRUCTED OFFSITE TO THE PROJECT, REQUIRES A CONDITIONAL USE PERMIT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Proposal to Eliminate Tolls on the San Diego-Coronado  
Bridge.F  
(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1308) ADOPTED AS RESOLUTION R-290129

Supporting the elimination of tolls on the San  
Diego-Coronado Bridge as soon as possible, in a manner  
which does not impact funding of the bridge's seismic  
retrofit;

Directing the City's representative to the SANDAG Board  
of Directors to communicate the City's position to the  
SANDAG Board of Directors.

RULES COMMITTEE'S RECOMMENDATION:

On 5/11/98, RULES voted 5-0 to direct the City's representative  
to the SANDAG Board of Directors to pursue eliminating the bridge  
toll as soon as possible, in a manner which does not impact  
funding of the bridge's seismic retrofit. (Councilmembers  
Mathis, Wear, Warden, McCarty and Mayor Golding voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C108-D175.)

MOTION BY KEHOE TO ADOPT THE RESOLUTION APPROVING RULES  
COMMITTEE RECOMMENDATION TO DIRECT THE CITY'S REPRESENTATIVE  
TO THE SANDAG BOARD OF DIRECTORS TO PURSUE ELIMINATING THE

BRIDGE TOLL AS SOON AS POSSIBLE, IN A MANNER WHICH DOES NOT IMPACT FUNDING OF THE BRIDGE'S SEISMIC RETROFIT. MITIGATION PROGRAMS WILL BE ON GOING AND THOSE WILL BE STUDIED AS PART OF THE PROCESS. ACCEPT COUNCIL MEMBER VARGAS' REQUEST TO NOT APPROVE ANY FORTHCOMING PROPOSALS THAT WOULD CAUSE TOLLS TO BE ASSESSED TO THE HOV LANES. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-S400:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1047) ADOPTED AS RESOLUTION R-290130

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

COUNCIL ACTION: (Tape location: B291-523.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-not present, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Wear at 6:17 p.m. in honor of the memory of:

Linda Mar Jip-Lum as requested by Mayor Golding, and Dr.  
Anthony P. Moore as requested by City Clerk Chuck Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F235.)